

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/562,511 Confirmation No.: 7969
Appellant : BERND CLAUBERG
Filed : DECEMBER 28, 2005
TC/A.U. : 2821
Examiner : ALEMU, E.
Docket No. : US030201
Title : SINGLE LED DRIVER FOR A TRAFFIC LIGHT

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Please consider Appellant's reply brief as follows:

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1. STATUS OF CLAIMS

Claims 1, 3-6, and 8-10 are pending. Claims 2 and 7 were cancelled.

Claims 1 and 3-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,809,655 to Colby (the *Colby* patent) in view of U.S. Patent No. 6,362,578 to Swanson, *et al.* (the *Swanson* patent).

Claims 6 and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,809,655 to Colby (the *Colby* patent) in view of U.S. Patent Publication No. 2002/0175826 to Hutchison, *et al.* (the *Hutchison* publication).

Claims 1, 3-6, and 8-10 are the claims on appeal.

2. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 and 3-5 are unpatentable over U.S. Patent No. 6,809,655 to Colby (the *Colby* patent) in view of U.S. Patent No. 6,362,578 to Swanson, *et al.* (the *Swanson* patent) under 35 U.S.C. §103(a).

Whether claims 6 and 8-10 are unpatentable over U.S. Patent No. 6,809,655 to Colby (the *Colby* patent) in view of U.S. Patent Publication No. 2002/0175826 to Hutchison, *et al.* (the *Hutchison* publication) under 35 U.S.C. §103(a).

3. ARGUMENTS

The Appellant respectfully submits that claims 1 and 3-5 are allowable over U.S. Patent No. 6,809,655 to Colby (the *Colby* patent) in view of U.S. Patent No. 6,362,578 to Swanson, *et al.* (the *Swanson* patent) under 35 U.S.C. §103(a), and that the rejection of claims 1 and 3-5 should be reversed.

Further, the Appellant respectfully submits that claims 6 and 8-10 are allowable over U.S. Patent No. 6,809,655 to Colby (the *Colby* patent) in view of U.S. Patent Publication No. 2002/0175826 to Hutchison, *et al.* (the *Hutchison* publication) under 35 U.S.C. §103(a), and that the rejection of claims 6 and 8-10 should be reversed.

The Appellant re-asserts the arguments of the Appellant's Brief dated November 25, 2008, and present the following arguments in response to the Examiner's Answer dated March 9, 2009 (hereinafter Examiner's Answer).

Claims 1 and 3-5

The Examiner's Answer asserts that the *Colby* patent discloses separately controlled traffic lights, which reads on operable to prevent simultaneous opening [*sic*] of electronic switches. *See* Examiner's Response to Argument, page 9, paragraph 2. The Appellant respectfully disagrees. The issue is not whether the *Colby* patent teaches controlling a single lamp, but whether the *Colby* patent teaches prevention of simultaneous closure of electronic switches as claimed. The Examiner's Answer correctly notes that the *Colby* patent teaches simultaneous illumination of multiple lamps. *See* Examiner's Response to Argument, page 9, paragraph 2. In so doing, the *Colby* patent does not teach preventing simultaneous closure of electronic switches as claimed, but rather requires it for simultaneous illumination.

The Examiner's Answer also asserts that the modification to the lighting circuit arrangement which prevents simultaneous switch closure is modification to the *Colby* patent, not the *Swanson* patent. *See* Examiner's Response to Argument,

page 10, paragraphs 2 and 3. The Examiner's Answer notes that the *Colby* patent does not show the detailed structure of the first to fifth LED circuits. *See* Examiner's Grounds of Rejection, page 3, paragraph 2. The Appellant respectfully points out that the Examiner's Answer further states that "Swanson is cited to show a known and widely used LED circuit arrangement which is similar to the claimed LED circuit arrangement." *See* Examiner's Response to Argument, page 7, paragraph 3. Therefore, the Examiner's Answer cites the *Swanson* patent as the circuitry that is operable to carry out the Appellant's invention. The modification of the *Swanson* patent makes the automobile rear combination lamp driver circuit of the *Swanson* patent inoperable and defeats its intended purpose, and so teaches away from the modification.

Reversal of the rejection of claims 1 and 3-5 under 35 U.S.C. §103(a) as being unpatentable over the *Colby* patent in view of the *Swanson* patent is respectfully requested.

Claims 6 and 8-10

The Examiner's Answer asserts that the *Colby* patent discloses and teaches a traffic light having a first to fifth LED circuits that are selectively controlled by a single control module including electronics. *See* Examiner's Response to Argument, page 12, paragraph 5. The Examiner's Answer further asserts that the known single control module including electronics to operate in order to prevent simultaneous closure [*sic*] of the electronic switches of the *Colby* patent would have been obvious for no other reason than controlling the direction and flow of traffic without giving conflicting signals. *See* Examiner's Response to Argument, page 13, paragraph 2. The Appellant respectfully disagrees. First, the *Colby* patent discloses several traffic signals supported by one or more supporting elements and coupled through a single control module including electronics, not a switch controller operable to selectively open and close electronic switches as claimed. *See* the *Colby* patent: Figure 4B; column 1, line 43, through column 2, line 4. Thus, the *Colby* patent discloses several traffic signals, not LED circuits, coupled through a single control module. Second,

the Examiner's Answer correctly notes that the *Colby* patent teaches simultaneous illumination of multiple lamps. *See* Examiner's Response to Argument, page 9, paragraph 2. In so doing, the *Colby* patent does not teach preventing simultaneous opening of electronic switches as claimed, but rather requires it. Finally, the Examiner's Answer notes that the *Colby* patent does not show the detailed structure of the first to fifth LED circuits and cites the disclosures of circuitry in the *Hutchison* patent as the circuitry that is operable to carry out the Appellant's invention. *See* Examiner's Response to Argument, page 13, paragraphs 2 and 3. The modification of the *Hutchison* patent as required to carry out the Appellant's invention as claimed makes the traffic light of the *Hutchison* publication inoperable and defeats its intended purpose, and so teaches away from the modification. The *Hutchison* publication also teaches away from such modification by teaching that all LED sets are driven in a normal mode of operation. *See* the *Hutchison* publication: paragraph [0007].

Reversal of the rejection of claims 6 and 8-10 under 35 U.S.C. §103(a) as being unpatentable over the *Colby* patent in view of the *Hutchinson* publication is respectfully requested.

4. SUMMARY

The Appellant respectfully submits that claims 1, 3-6, and 8-10 fully satisfy the requirements of 35 U.S.C. §103. In view of the foregoing, reversal of the rejection of claims 1, 3-6, and 8-10 is respectfully requested.

Dated: **April 30, 2009**

Respectfully submitted,
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